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6   **UNITED STATES DISTRICT COURT**

7   **DISTRICT OF NEVADA**

8   ANTHONY PRENTICE,   )
)
9   Plaintiff,   )
)
10   v.   )   3:16-cv-00060-MMD-WGC
)
11   CHAPLAIN STOGNER et al.,   )   **ORDER**
)
12   Defendants.   )
)
13   _____)

14   This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state

15   prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. (ECF No. 1).

16   Based on the financial information provided, the Court finds that Plaintiff is unable to prepay

17   the full filing fee in this matter.

18   The Court entered a screening order on July 18, 2016. (ECF No. 4). The screening

19   order imposed a 90-day stay and the Court entered a subsequent order in which the parties

20   were assigned to mediation by a court-appointed mediator. (ECF No. 4, 8). The Office of the

21   Attorney General has filed a status report indicating that settlement has not been reached and

22   informing the Court of its intent to proceed with this action. (ECF No. 17).

23   The Court notes that it specifically denied Plaintiff's motion to file an amended

24   complaint prior to October 24, 2016. (ECF No. 12 at 1). Plaintiff filed an amended complaint

25   and three other motions on October 20, 2016. (ECF No. 13, 14, 15, 16). If Plaintiff would like

26   his case to proceed now, he may file a notice to withdraw his amended complaint and proceed

27   on his original complaint. If Plaintiff would like to proceed on his amended complaint, the

28   Court will screen the amended complaint. However, Plaintiff should be aware that the

screening process will take several months. If Plaintiff's amended complaint survives

1   screening, the Court will issue a service order and will not send the case to mediation again.

2   For the foregoing reasons, IT IS ORDERED that:

3   1.   Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is GRANTED.

4   Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this

5   action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

6   2.   The movant herein is permitted to maintain this action to conclusion without the

7   necessity of prepayment of any additional fees or costs or the giving of security therefor. This

8   order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or

9   service of subpoenas at government expense.

10   3.   Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall

11   pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

12   month's deposits to Plaintiff's account **(Anthony Prentice, #74880)**, in the months that the

13   account exceeds $10.00, until the full $350.00 filing fee has been paid for this action. The

14   Clerk of the Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office.

15   The Clerk of the Court shall also **SEND** a copy of this order to the attention of the Chief of

16   Inmate Services for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV

17   89702.

18   4.   The Clerk of the Court shall electronically **SERVE** a copy of this order on the

19   Office of the Attorney General of the State of Nevada, attention Kat Howe.

20   5.   On or before Friday, November 18, 2016, Plaintiff shall file a notice informing the

21   Court of whether he intends to proceed with his amended complaint and wait for another

22   screening order, or whether he intends to withdraw his amended complaint and proceed

23   immediately on his original complaint. If Plaintiff fails to file a timely notice with the Court, the

24   Court will screen the amended complaint.

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1   6.   The motion for production of video evidence (ECF No. 15) is denied as

2 procedurally premature.

3   DATED: October 21, 2016.

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5   *William G. Cobb*
                  UNITED STATES MAGISTRATE JUDGE

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